
From: Ling, Michael
Sent: Tuesday, March 12, 2019 4:26 PM
To: Feldman, Michael <Feldman.Michael@epa.gov>; Mocka, Corey <mocka.corey@epa.gov>
Cc: Casso, Ruben <Casso.Ruben@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>
Subject: RE: SO2 designations: Potter, Milam, and Titus Counties in Texas

Ex. 5 AC/DP

Thanks.

Michael Ling
Group Leader (Acting)
Geographic Strategies Group
Air Quality Policy Division
U.S. EPA - OAQPS
(919) 541-4729

From: Feldman, Michael
Sent: Tuesday, March 12, 2019 3:34 PM
To: Ling, Michael <Ling.Michael@epa.gov>; Mocka, Corey <mocka.corey@epa.gov>
Cc: Casso, Ruben <Casso.Ruben@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>
Subject: SO2 designations: Potter, Milam, and Titus Counties in Texas

Ex. 5 AC/DP

Ex. 5 AC/DP

Michael Feldman, PhD

Air Planning Section
U.S. EPA Region 6, 6MM-AA
Phone: 214-665-9793
feldman.michael@epa.gov

Message

From: Smith, Suzanne [Smith.Suzanne@epa.gov]
Sent: 2/12/2019 11:38:08 PM
To: Feldman, Michael [Feldman.Michael@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]
Subject: TX SO2 designations question

Ex. 5 AC/DP

Suzanne J. Smith | Multimedia Counseling Branch Chief
Office of Regional Counsel | EPA Region 6 | 214.665.8027

Message

From: Fox, Tyler [Fox.Tyler@epa.gov]
Sent: 10/24/2018 1:55:18 PM
To: Snyder, Erik [snyder.erik@epa.gov]
CC: Tillerson, Clint [Tillerson.Clint@epa.gov]; Imhoff, Robert [imhoff.robert@epa.gov]; Feldman, Michael [Feldman.Michael@epa.gov]; Thurman, James [Thurman.James@epa.gov]
Subject: RE: Call w/ R6 - TX Deferred Rnd2 Designations

Ex. 5 AC/DP

Tyler

From: Snyder, Erik
Sent: Wednesday, October 24, 2018 9:39 AM
To: Fox, Tyler <Fox.Tyler@epa.gov>
Cc: Tillerson, Clint <Tillerson.Clint@epa.gov>; Imhoff, Robert <imhoff.robert@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Thurman, James <Thurman.James@epa.gov>
Subject: RE: Call w/ R6 - TX Deferred Rnd2 Designations

Ex. 5 AC/DP

-Erik

Erik Snyder
Lead Regional Air Quality Modeler
EPA Region 6
Phone: 214-665-7305
Fax: 214-665-7263
email: snyder.erik@epa.gov

From: Fox, Tyler
Sent: Tuesday, October 23, 2018 9:29 AM
To: Snyder, Erik <snyder.erik@epa.gov>
Cc: Tillerson, Clint <Tillerson.Clint@epa.gov>; Imhoff, Robert <imhoff.robert@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Thurman, James <Thurman.James@epa.gov>
Subject: RE: Call w/ R6 - TX Deferred Rnd2 Designations

Ex. 5 AC/DP

Talk soon.

Tyler

From: Snyder, Erik
Sent: Tuesday, October 23, 2018 9:34 AM

To: Fox, Tyler <Fox.Tyler@epa.gov>

Cc: Tillerson, Clint <Tillerson.Clint@epa.gov>; Imhoff, Robert <imhoff.robert@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Thurman, James <Thurman.James@epa.gov>

Subject: RE: Call w/ R6 - TX Deferred Rnd2 Designations

Ex. 5 AC/DP

-Erik

Erik Snyder
Lead Regional Air Quality Modeler
EPA Region 6
Phone: 214-665-7305
Fax: 214-665-7263
email: snyder.erik@epa.gov

From: Fox, Tyler

Sent: Tuesday, October 23, 2018 8:33 AM

To: Snyder, Erik <snyder.erik@epa.gov>

Cc: Tillerson, Clint <Tillerson.Clint@epa.gov>; Imhoff, Robert <imhoff.robert@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Thurman, James <Thurman.James@epa.gov>

Subject: Re: Call w/ R6 - TX Deferred Rnd2 Designations

Ex. 5 AC/DP

Sent from my iPhone

On Oct 23, 2018, at 9:05 AM, Snyder, Erik <snyder.erik@epa.gov> wrote:

Ex. 5 AC/DP

-Erik

Erik Snyder
Lead Regional Air Quality Modeler
EPA Region 6
Phone: 214-665-7305
Fax: 214-665-7263
email: snyder.erik@epa.gov

From: Fox, Tyler
Sent: Monday, October 22, 2018 1:31 PM
To: Snyder, Erik <snyder.erik@epa.gov>
Cc: Tillerson, Clint <Tillerson.Clint@epa.gov>; Imhoff, Robert <imhoff.robert@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Thurman, James <Thurman.James@epa.gov>
Subject: RE: Call w/ R6 - TX Deferred Rnd2 Designations

Erik et al

Ex. 5 AC/DP

Thanks,

Tyler

From: Snyder, Erik
Sent: Monday, October 22, 2018 9:05 AM
To: Fox, Tyler <Fox.Tyler@epa.gov>
Cc: Tillerson, Clint <Tillerson.Clint@epa.gov>; Imhoff, Robert <imhoff.robert@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Thurman, James <Thurman.James@epa.gov>
Subject: RE: Call w/ R6 - TX Deferred Rnd2 Designations

Ex. 5 AC/DP

Thanks,
Erik

Erik Snyder
Lead Regional Air Quality Modeler
EPA Region 6
Phone: 214-665-7305
Fax: 214-665-7263
email: snyder.erik@epa.gov

From: Fox, Tyler
Sent: Monday, October 22, 2018 6:58 AM
To: Snyder, Erik <snyder.erik@epa.gov>
Cc: Tillerson, Clint <Tillerson.Clint@epa.gov>; Imhoff, Robert <imhoff.robert@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Thurman, James <Thurman.James@epa.gov>
Subject: Re: Call w/ R6 - TX Deferred Rnd2 Designations

Ex. 5 AC/DP

Thx

Tyler

Sent from my iPhone

On Oct 22, 2018, at 7:52 AM, Snyder, Erik <snyder.erik@epa.gov> wrote:

Hi,

Ex. 5 AC/DP

Thanks,
Erik

Erik Snyder
Lead Regional Air Quality Modeler
EPA Region 6
Phone: 214-665-7305
Fax: 214-665-7263
email: snyder.erik@epa.gov

From: Tillerson, Clint
Sent: Friday, October 19, 2018 1:08 PM
To: Snyder, Erik <snyder.erik@epa.gov>; Imhoff, Robert <imhoff.robert@epa.gov>;
Feldman, Michael <Feldman.Michael@epa.gov>
Subject: RE: Call w/ R6 - TX Deferred Rnd2 Designations

Ex. 5 AC/DP

Clint

From: Snyder, Erik
Sent: Thursday, October 18, 2018 2:33 PM
To: Fox, Tyler <Fox.Tyler@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>;
Thurman, James <Thurman.James@epa.gov>
Cc: Imhoff, Robert <imhoff.robert@epa.gov>; Feldman, Michael
<Feldman.Michael@epa.gov>
Subject: RE: Call w/ R6 - TX Deferred Rnd2 Designations

Ex. 5 AC/DP

-Erik

Erik Snyder
Lead Regional Air Quality Modeler
EPA Region 6
Phone: 214-665-7305
Fax: 214-665-7263
email: snyder.erik@epa.gov

From: Fox, Tyler
Sent: Thursday, October 18, 2018 1:08 PM
To: Tillerson, Clint <Tillerson.Clint@epa.gov>; Thurman, James <Thurman.James@epa.gov>
Cc: Snyder, Erik <snyder.erik@epa.gov>; Imhoff, Robert <imhoff.robert@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>
Subject: RE: Call w/ R6 - TX Deferred Rnd2 Designations

Ex. 5 AC/DP

Thanks,

Tyler

From: Tillerson, Clint
Sent: Thursday, October 18, 2018 2:04 PM
To: Fox, Tyler <Fox.Tyler@epa.gov>; Thurman, James <Thurman.James@epa.gov>
Cc: Snyder, Erik <snyder.erik@epa.gov>; Imhoff, Robert <imhoff.robert@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>
Subject: Call w/ R6 - TX Deferred Rnd2 Designations

Tyler/James,

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks!
Clint

Clint R. Tillerson, Physical Scientist
U.S. EPA/OAQPS/AQAD
Air Quality Modeling Group (C431-F)
109 T.W. Alexander Drive
Research Triangle Park, NC 27709
Phone: (919) 541-2051
Fax: (919) 541-0044
Email: tillerson.clint@epa.gov

From Bob Imhoff:

Ex. 5 AC/DP

Ex. 5 AC/DP

-Bob

Message

From: Bartley, Richard [Bartley.Richard@epa.gov]
Sent: 9/11/2018 7:49:06 PM
To: Donaldson, Guy [Donaldson.Guy@epa.gov]; Shar, Alan [shar.alan@epa.gov]; Feldman, Michael [Feldman.Michael@epa.gov]
Subject: Re: seeking APM review: briefing for OAR management on SSM SIP policy and pending SIP actions (PRIVILEGED)

PRIVILEGED COMMUNICATION - DELIBERATIVE PROCESS

Hi Guy -

Ex. 5 AC/DP

Rick

From: Donaldson, Guy
Sent: Tuesday, September 11, 2018 7:38:18 AM
To: Bartley, Richard; Shar, Alan; Feldman, Michael
Subject: FW: seeking APM review: briefing for OAR management on SSM SIP policy and pending SIP actions

Ex. 5 AC/DP

From: Bracht, Megan
Sent: Monday, September 10, 2018 4:32 PM
To: Algae-Eakin, Amy <Algae-Eakin.Amy@epa.gov>; Jay, Michael <Jay.Michael@epa.gov>; Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Davis, Scott <Davis.ScottR@epa.gov>; Jackson, Scott

<Jackson.Scott@epa.gov>; Morales, Monica <Morales.Monica@epa.gov>; Ruvo, Richard <Ruvo.Richard@epa.gov>; Wieber, Kirk <Wieber.Kirk@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Blakley, Pamela <blakley.pamela@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Garcia, Ariel <Garcia.Ariel@epa.gov>; Wortman, Eric <Wortman.Eric@epa.gov>; Spielberger, Susan <spielberger.susan@epa.gov>
Cc: Mastro, Donna <Mastro.Donna@epa.gov>; Selbst, Elizabeth <selbst.elizabeth@epa.gov>; Smith, Kristi <Smith.Kristi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Lorang, Phil <Lorang.Phil@epa.gov>; Sutton, Lisa <Sutton.Lisa@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>
Subject: seeking APM review: briefing for OAR management on SSM SIP policy and pending SIP actions
Importance: High

Ex. 5 AC/DP

Thanks for your attention to this!

Best regards,
Megan

Ex. 5 AC/DP

Ex. 5 AC/DP

Megan V. Brachtl, Group Leader
State and Local Programs Group
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency

(919) 541-2648
brachtl.megan@epa.gov

Message

From: Ling, Michael [Ling.Michael@epa.gov]
Sent: 4/10/2019 6:50:32 PM
To: Wood, Anna [Wood.Anna@epa.gov]; Wayland, Richard [Wayland.Richard@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]
CC: Feldman, Michael [Feldman.Michael@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]
Subject: RE: SO2 designations

Ex. 5 AC/DP

Michael Ling
Group Leader (Acting)
Geographic Strategies Group
Air Quality Policy Division
U.S. EPA - OAQPS
(919) 541-4729

From: Wood, Anna
Sent: Wednesday, April 10, 2019 1:48 PM
To: Wayland, Richard <Wayland.Richard@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>
Cc: Ling, Michael <Ling.Michael@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>
Subject: RE: SO2 designations

Adding Scott--thx

From: Wayland, Richard
Sent: Wednesday, April 10, 2019 12:42 PM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>
Cc: Wood, Anna <Wood.Anna@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>
Subject: RE: SO2 designations

Makes sense. Thanks Guy.

Richard A. "Chet" Wayland | Director | Air Quality Assessment Division - Mail Code C304-02 | Office of Air Quality Planning & Standards | U.S. Environmental Protection Agency | Research Triangle Park, NC 27711 | Desk: 919-541-4603 | Cell: 919-606-0548 |

From: Donaldson, Guy
Sent: Wednesday, April 10, 2019 11:59 AM
To: Wayland, Richard <Wayland.Richard@epa.gov>
Cc: Wood, Anna <Wood.Anna@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>
Subject: RE: SO2 designations

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Wayland, Richard

Sent: Wednesday, April 10, 2019 10:22 AM

To: Donaldson, Guy <Donaldson.Guy@epa.gov>

Cc: Wood, Anna <Wood.Anna@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>

Subject: Re: SO2 designations

Ex. 5 AC/DP

Chet

Richard A. "Chet" Wayland

Sent from my iPhone

On Apr 10, 2019, at 11:18 AM, Donaldson, Guy <Donaldson.Guy@epa.gov> wrote:

Ex. 5 AC/DP

Message

From: Olszewski, Joshua [olszewski.joshua@epa.gov]
Sent: 7/29/2019 9:52:53 PM
To: Feldman, Michael [Feldman.Michael@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]; Jones, Bruce [Jones.Bruce@epa.gov]
Subject: RE: TX SO2 Error Correction
Attachments: TX SO2 Design Filing 7-26-29.pdf

Ex. 5 AC/DP

From: Feldman, Michael <Feldman.Michael@epa.gov>
Sent: Monday, July 29, 2019 3:24 PM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Jones, Bruce <Jones.Bruce@epa.gov>
Subject: Fwd: TX SO2 Error Correction

Sent from my iPhone

Begin forwarded message:

From: "Mocka, Corey" <mocka.corey@epa.gov>
Date: July 29, 2019 at 3:32:08 PM EDT
To: "Feldman, Michael" <Feldman.Michael@epa.gov>
Cc: "Imhoff, Robert" <imhoff.robert@epa.gov>
Subject: RE: TX SO2 Error Correction

Hi Michael-

Ex. 5 AC/DP

Corey

From: Mocka, Corey
Sent: Wednesday, July 24, 2019 10:20 AM
To: Feldman, Michael <Feldman.Michael@epa.gov>
Cc: Imhoff, Robert <imhoff.robert@epa.gov>
Subject: TX SO2 Error Correction

Hi Michael-

Ex. 5 AC/DP

Corey

Corey A. Mocka
U.S. EPA - Office of Air Quality Planning and Standards
Air Quality Policy Division
Geographic Strategies Group
109 T.W. Alexander Drive (C539-04)
Research Triangle Park, NC 27711
(919) 541-5142
mocka.corey@epa.gov

Message

From: Donaldson, Guy [Donaldson.Guy@epa.gov]
Sent: 7/19/2019 1:13:27 PM
To: Feldman, Michael [Feldman.Michael@epa.gov]
Subject: FW: TX SO2 designation reconsideration proposal

Ex. 5 AC/DP

From: Mathias, Scott
Sent: Wednesday, July 17, 2019 4:35 PM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>
Subject: FW: TX SO2 designation reconsideration proposal

FYI

Scott Mathias | Acting Director, Air Quality Policy Division | U.S. EPA, RTP, NC 27711 | 919.541.5310

From: Smith, Kristi
Sent: Wednesday, July 17, 2019 11:24 AM
To: Ling, Michael <Ling.Michael@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>
Subject: FW: TX SO2 designation reconsideration proposal

Ex. 5 AC/DP

Kristi M. Smith * Assistant General Counsel for the NAAQS Implementation Group * Air & Radiation Law Office * US EPA, Office of General Counsel * smith.kristi@epa.gov * (202) 564-3068 *

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Smith, Kristi
Sent: Wednesday, July 17, 2019 11:20 AM
To: Schwab, Justin <schwab.justin@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: TX SO2 designation reconsideration proposal

Ex. 5 AC/DP

Ex. 5 AC/DP

Kristi M. Smith * Assistant General Counsel for the NAAQS Implementation Group * Air & Radiation Law Office * US EPA,
Office of General Counsel * smith.kristi@epa.gov * (202) 564-3068 *

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

Begin forwarded message:

From: "Rosen, Perry (ENRD)" <PRosen@ENRD.USDOJ.GOV>
Date: July 12, 2019 at 7:20:16 PM EDT
To: "Carrillo, Andrea" <Carrillo.Andrea@epa.gov>
Cc: "O'Donnell, Jessica (ENRD)" <JODonnell@enrd.usdoj.gov>
Subject: Texas v. EPA - SO2 NAAQS

Andrea,

Ex. 5 AC/DP

Perry

Perry M. Rosen
Senior Attorney
United States Dept. of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
202-353-7792
perry.rosen@usdoj.gov

Address for Overnight Mail

U.S. Dept. of Justice
Env. & Natural Resources Div.
Environment Defense Section
4 Constitution Square
150 M Street, NE
Suite 2.900
Washington, DC 20002

<ENV_DEFENSE-#872487-v1-

Texas_v__EPA_(SO2_NAAQS)_Order_Requiring_Supp__Status_Rpt_.PDF>

<ENV_DEFENSE-#872487-v1-Texas_v__EPA_(SO2_NAAQS)_Order_Requiring_Supp__Status_Rpt_.PDF>

<ENV_DEFENSE-#872060-v1-Texas_v__EPA_(SO2)_Status_Rpt_7_3_19.PDF>

Message

From: Garcia, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F0A9D226635746338D68D71576583E6A-GARCIA, DAVID]
Sent: 8/20/2019 7:11:41 PM
To: Donaldson, Guy [Donaldson.Guy@epa.gov]
Subject: RE: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

Ex. 5 AC/DP

David F. Garcia, P.E.
Director
Air and Radiation Division

U.S. EPA Region 6
1201 Elm Street
Dallas, Texas

From: Donaldson, Guy <Donaldson.Guy@epa.gov>
Sent: Tuesday, August 20, 2019 1:58 PM
To: Feldman, Michael <Feldman.Michael@epa.gov>; Garcia, David <Garcia.David@epa.gov>; Jones, Bruce <Jones.Bruce@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Mocka, Corey <mocka.corey@epa.gov>; Snyder, Erik <snyder.erik@epa.gov>
Subject: FW: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

FYI,

From: Joshua Smith <joshua.smith@sierraclub.org>
Sent: Tuesday, August 20, 2019 12:28 PM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>; McQueen, Ken <McQueen.Ken@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>
Subject: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

Dear Administrator Wheeler,

Please accept the attached copy of Sierra Club's notice, under 42 U.S.C. § 7604(b)(2), of intent to file suit against the Administrator of the U.S. Environmental Protection Agency for the "failure of the Administrator to perform an[] act or duty under this chapter which is not discretionary with the Administrator." 42 U.S.C. § 7604(a)(2).

Specifically, the Administrator has violated 42 U.S.C. § 7410(k)(1)(B) by failing to issue a finding that Texas failed to submit a nonattainment state implementation plan ("SIP") within 18 months of the effective date of EPA's final nonattainment area designations under the 2010 Sulfur Dioxide ("SO₂") Primary National Ambient Air Quality Standard ("NAAQS"), as required under 42 U.S.C. §§ 7502, 7514-7514a.

As discussed in the attached notice, Sierra Club would prefer to resolve this matter without the need for litigation. Quickly and fairly resolving this matter would be a clear indication that EPA intends to respect the rule of law. Therefore, we look

forward to EPA contacting the undersigned counsel to resolve this matter. If we do not hear from EPA in 60 days, we will assume that you are not interested in settling this matter, and we will file a complaint.

A hard copy to follow, via certified mail.

Thank you,

Joshua Smith
Senior Staff Attorney
Sierra Club Environmental Law Program
2101 Webster St., Suite 1300
Oakland, CA 94612
(415)977-5560
(510)208-3140 (fax)
(503)484-7194 (cell)

I check e-mail infrequently. For urgent matters, please call.

CONFIDENTIAL LEGAL COMMUNICATION/WORK PRODUCT

This e-mail may contain privileged and confidential attorney-client communications and/or confidential attorney work product. If you receive this e-mail inadvertently, please notify me and delete all versions from your system. Thank you.

Message

From: Bartley, Richard [Bartley.Richard@epa.gov]
Sent: 4/12/2019 8:17:54 PM
To: Smith, Suzanne [Smith.Suzanne@epa.gov]
CC: Watson, Lucinda [Watson.Lucinda@epa.gov]; Payne, James [payne.james@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]
Subject: Texas SSM SIP Call - NPRM - Latest Draft
Attachments: Texas SSM SIP Call - NPRM - Draft - April 12, 2019.docx

All –

Ex. 5 AC/DP

Thanks,

Rick

Richard H. Bartley | Air Programs Coordinator | Office of Regional Counsel | U.S. EPA Region 6 | 214.665.8046

CONFIDENTIALITY NOTICE: The contents of this transmission and any attachments may contain deliberative, attorney-client, attorney work product, or otherwise privileged material. Do not release under FOIA without appropriate legal review. If you are not the intended recipient or believe you have received this communication in error, please do not read, print, distribute, copy, retransmit, disseminate, otherwise use the information, or take action in reliance upon this communication. Rather, please immediately notify me and delete the transmission and all attachments from your machine including all storage media, whether electronic or hard copy. Thank you.

Message

From: Bartley, Richard [Bartley.Richard@epa.gov]
Sent: 4/22/2019 9:16:18 PM
To: Payne, James [payne.james@epa.gov]
CC: Watson, Lucinda [Watson.Lucinda@epa.gov]
Subject: RE: Texas SSM SIP Call - NPRM UPDATE
Attachments: Draft NPRM to withdraw the TX SSM SIP call 3_21_2019_region 6.docx

Ex. 5 AC/DP

From: Payne, James
Sent: Monday, April 22, 2019 4:13 PM
To: Bartley, Richard <Bartley.Richard@epa.gov>
Subject: RE: Texas SSM SIP Call - NPRM UPDATE

Call me?

From: Bartley, Richard
Sent: Monday, April 22, 2019 4:12 PM
To: Payne, James <payne.james@epa.gov>; Watson, Lucinda <Watson.Lucinda@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>
Subject: RE: Texas SSM SIP Call - NPRM UPDATE

Ex. 5 AC/DP

From: Payne, James
Sent: Monday, April 22, 2019 4:10 PM
To: Watson, Lucinda <Watson.Lucinda@epa.gov>; Bartley, Richard <Bartley.Richard@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>
Subject: RE: Texas SSM SIP Call - NPRM UPDATE

Ex. 5 AC/DP

From: Watson, Lucinda
Sent: Monday, April 22, 2019 3:40 PM
To: Bartley, Richard <Bartley.Richard@epa.gov>; Payne, James <payne.james@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>
Cc: Shar, Alan <shar.alan@epa.gov>
Subject: RE: Texas SSM SIP Call - NPRM UPDATE

Ex. 5 AC/DP

From: Bartley, Richard
Sent: Monday, April 22, 2019 3:23 PM
To: Payne, James <payne.james@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Watson, Lucinda <Watson.Lucinda@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael

<Feldman.Michael@epa.gov>

Cc: Shar, Alan <shar.alan@epa.gov>

Subject: Texas SSM SIP Call - NPRM UPDATE

All –

Ex. 5 AC/DP

Rick

Richard H. Bartley | Air Programs Coordinator | Office of Regional Counsel | U.S. EPA Region 6 | 214.665.8046

CONFIDENTIALITY NOTICE: The contents of this transmission and any attachments may contain deliberative, attorney-client, attorney work product, or otherwise privileged material. Do not release under FOIA without appropriate legal review. If you are not the intended recipient or believe you have received this communication in error, please do not read, print, distribute, copy, retransmit, disseminate, otherwise use the information, or take action in reliance upon this communication. Rather, please immediately notify me and delete the transmission and all attachments from your machine including all storage media, whether electronic or hard copy.

Message

From: Conrad, Daniel [conrad.daniel@epa.gov]
Sent: 8/20/2019 7:45:04 PM
To: Smith, Kristi [Smith.Kristi@epa.gov]
Subject: RE: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

Ex. 5 AC/DP

Daniel H. Conrad
U.S. Environmental Protection Agency
Office of General Counsel
Air and Radiation Law Office
(202) 564-0903

CONFIDENTIALITY NOTICE: This message may contain deliberative, attorney-client, or otherwise privileged material. Do not release this message under FOIA without appropriate review. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, please contact the sender and delete all copies.

From: Smith, Kristi <Smith.Kristi@epa.gov>
Sent: Tuesday, August 20, 2019 3:42 PM
To: Conrad, Daniel <conrad.daniel@epa.gov>
Subject: RE: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

Ex. 5 AC/DP

Kristi M. Smith * Assistant General Counsel for the NAAQS Implementation Group * Air & Radiation Law Office * US EPA, Office of General Counsel * smith.kristi@epa.gov * (202) 564-3068 *

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Conrad, Daniel <conrad.daniel@epa.gov>
Sent: Tuesday, August 20, 2019 3:21 PM
To: Smith, Kristi <Smith.Kristi@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

Ex. 5 AC/DP

Daniel H. Conrad
U.S. Environmental Protection Agency
Office of General Counsel
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From: Smith, Kristi <Smith.Kristi@epa.gov>
Sent: Tuesday, August 20, 2019 3:05 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>

Subject: RE: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

Ex. 5 AC/DP

Kristi M. Smith * Assistant General Counsel for the NAAQS Implementation Group * Air & Radiation Law Office * US EPA, Office of General Counsel * smith.kristi@epa.gov * (202) 564-3068 *

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From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>

Sent: Tuesday, August 20, 2019 3:02 PM

To: Thrift, Mike <thrift.mike@epa.gov>; Smith, Kristi <Smith.Kristi@epa.gov>

Subject: FW: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

FYI

From: Donaldson, Guy <Donaldson.Guy@epa.gov>

Sent: Tuesday, August 20, 2019 2:58 PM

To: Feldman, Michael <Feldman.Michael@epa.gov>; Garcia, David <Garcia.David@epa.gov>; Jones, Bruce <Jones.Bruce@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Mocka, Corey <mocka.corey@epa.gov>; Snyder, Erik <snyder.erik@epa.gov>

Subject: FW: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

FYI,

From: Joshua Smith <joshua.smith@sierraclub.org>

Sent: Tuesday, August 20, 2019 12:28 PM

To: Wheeler, Andrew <wheeler.andrew@epa.gov>; McQueen, Ken <McQueen.Ken@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>

Subject: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

Dear Administrator Wheeler,

Please accept the attached copy of Sierra Club's notice, under 42 U.S.C. § 7604(b)(2), of intent to file suit against the Administrator of the U.S. Environmental Protection Agency for the "failure of the Administrator to perform an[] act or duty under this chapter which is not discretionary with the Administrator." 42 U.S.C. § 7604(a)(2).

Specifically, the Administrator has violated 42 U.S.C. § 7410(k)(1)(B) by failing to issue a finding that Texas failed to submit a nonattainment state implementation plan ("SIP") within 18 months of the effective date of EPA's final nonattainment area designations under the 2010 Sulfur Dioxide ("SO2") Primary National Ambient Air Quality Standard ("NAAQS"), as required under 42 U.S.C. §§ 7502, 7514-7514a.

As discussed in the attached notice, Sierra Club would prefer to resolve this matter without the need for litigation. Quickly and fairly resolving this matter would be a clear indication that EPA intends to respect the rule of law. Therefore, we look forward to EPA contacting the undersigned counsel to resolve this matter. If we do not hear from EPA in 60 days, we will assume that you are not interested in settling this matter, and we will file a complaint.

A hard copy to follow, via certified mail.

Thank you,

Joshua Smith
Senior Staff Attorney
Sierra Club Environmental Law Program
2101 Webster St., Suite 1300
Oakland, CA 94612
(415)977-5560
(510)208-3140 (fax)
(503)484-7194 (cell)

I check e-mail infrequently. For urgent matters, please call.

CONFIDENTIAL LEGAL COMMUNICATION/WORK PRODUCT

This e-mail may contain privileged and confidential attorney-client communications and/or confidential attorney work product. If you receive this e-mail inadvertently, please notify me and delete all versions from your system. Thank you.

Message

From: Watson, Lucinda [Watson.Lucinda@epa.gov]
Sent: 8/9/2018 1:37:52 PM
To: Marks, Matthew [Marks.Matthew@epa.gov]
CC: Olszewski, Joshua [olszewski.joshua@epa.gov]; Greenglass, Nora [Greenglass.Nora@epa.gov]; Smith, Suzanne [Smith.Suzanne@epa.gov]
Subject: Re: Addressing the Petition for Reconsideration in the Texas RH FRN

Ex. 5 AC/DP

Sent from my iPhone

On Aug 9, 2018, at 7:34 AM, Marks, Matthew <Marks.Matthew@epa.gov> wrote:

Hi Lucinda,

Ex. 5 AC/DP

Matt

From: Watson, Lucinda
Sent: Wednesday, August 08, 2018 7:15 PM
To: Olszewski, Joshua <olszewski.joshua@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Greenglass, Nora <Greenglass.Nora@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>
Subject: RE: Addressing the Petition for Reconsideration in the Texas RH FRN
Importance: High

Ex. 5 AC/DP

**Thank you,
Lucinda
214-333-2237**

From: Olszewski, Joshua
Sent: Wednesday, August 8, 2018 5:36 PM
To: Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Watson, Lucinda <Watson.Lucinda@epa.gov>
Subject: RE: Addressing the Petition for Reconsideration in the Texas RH FRN

Ex. 5 AC/DP

From: Marks, Matthew
Sent: Wednesday, August 08, 2018 2:53 PM
To: Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Addressing the Petition for Reconsideration in the Texas RH FRN

Ex. 5 AC/DP

From: Olszewski, Joshua
Sent: Wednesday, August 08, 2018 3:50 PM
To: Marks, Matthew <Marks.Matthew@epa.gov>
Subject: Addressing the Petition for Reconsideration in the Texas RH FRN

Ex. 5 AC/DP

Josh Olszewski
Multimedia Counseling
Office of Regional Counsel
EPA Region 6
(214) 665-2178

Message

From: Jones, Bruced [Jones.Bruced@epa.gov]
Sent: 8/21/2019 5:05:45 PM
To: Welton, Patricia [Welton.Patricia@epa.gov]; Smith, Suzanne [Smith.Suzanne@epa.gov]
Subject: RE: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

Ex. 5 AC/DP

From: Welton, Patricia <Welton.Patricia@epa.gov>
Sent: Tuesday, August 20, 2019 9:40 PM
To: Jones, Bruced <Jones.Bruced@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>
Subject: Fwd: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

Can y'all provide input?
Thanks

Begin forwarded message:

From: "Garcia, David" <Garcia.David@epa.gov>
Date: August 20, 2019 at 9:25:12 PM CDT
To: "Chancellor, Erin" <chancellor.erin@epa.gov>
Cc: "Gray, David" <gray.david@epa.gov>, "Chiang, I-Jung" <chiang.i-jung@epa.gov>, "Welton, Patricia" <Welton.Patricia@epa.gov>, "Smith, Suzanne" <Smith.Suzanne@epa.gov>
Subject: Re: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

Ex. 5 AC/DP

Sent from my iPhone

On Aug 20, 2019, at 5:14 PM, Chancellor, Erin <chancellor.erin@epa.gov> wrote:

Ex. 5 AC/DP

Erin E. Chancellor
Chief of Staff | Office of the Regional Administrator
U.S. EPA Region 6
214.665.2112 (o) | 214.601.1292 (c)
chancellor.erin@epa.gov

From: Garcia, David <Garcia.David@epa.gov>
Sent: Tuesday, August 20, 2019 2:11 PM
To: Gray, David <gray.david@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>; Chiang, I-Jung <chiang.i-jung@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>
Subject: FW: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

Ex. 5 AC/DP

David F. Garcia, P.E.
Director
Air and Radiation Division

U.S. EPA Region 6
1201 Elm Street
Dallas, Texas

From: Donaldson, Guy <Donaldson.Guy@epa.gov>
Sent: Tuesday, August 20, 2019 1:58 PM
To: Feldman, Michael <Feldman.Michael@epa.gov>; Garcia, David <Garcia.David@epa.gov>; Jones, Bruce <Jones.Bruce@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Mocka, Corey <mocka.corey@epa.gov>; Snyder, Erik <snyder.erik@epa.gov>
Subject: FW: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

FYI,

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A hard copy to follow, via certified mail.

Thank you,

Joshua Smith
Senior Staff Attorney
Sierra Club Environmental Law Program
2101 Webster St., Suite 1300
Oakland, CA 94612
(415)977-5560
(510)208-3140 (fax)
(503)484-7194 (cell)

I check e-mail infrequently. For urgent matters, please call.

CONFIDENTIAL LEGAL COMMUNICATION/WORK PRODUCT

This e-mail may contain privileged and confidential attorney-client communications and/or confidential attorney work product. If you receive this e-mail inadvertently, please notify me and delete all versions from your system. Thank you.

Message

From: Welton, Patricia [Welton.Patricia@epa.gov]
Sent: 8/21/2019 3:16:42 AM
To: Jones, Bruce [Jones.Bruce@epa.gov]
CC: Smith, Suzanne [Smith.Suzanne@epa.gov]
Subject: Fwd: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

Thanks
Sharing with Bruce.

Begin forwarded message:

From: "Smith, Suzanne" <Smith.Suzanne@epa.gov>
Date: August 20, 2019 at 9:52:11 PM CDT
To: "Garcia, David" <Garcia.David@epa.gov>
Cc: "Chancellor, Erin" <chancellor.erin@epa.gov>, "Gray, David" <gray.david@epa.gov>, "Chiang, I-Jung" <chiang.i-jung@epa.gov>, "Welton, Patricia" <Welton.Patricia@epa.gov>
Subject: Re: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

Ex. 5 AC/DP

Sent from my iPhone

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U.S. EPA Region 6
214.665.2112 (o) | 214.601.1292 (c)

chancellor.erin@epa.gov

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Director
Air and Radiation Division

U.S. EPA Region 6
1201 Elm Street
Dallas, Texas

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Sent: Tuesday, August 20, 2019 1:58 PM
To: Feldman, Michael <Feldman.Michael@epa.gov>; Garcia, David <Garcia.David@epa.gov>; Jones, Bruce <Jones.Bruce@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Mocka, Corey <mocka.corey@epa.gov>; Snyder, Erik <snyder.erik@epa.gov>
Subject: FW: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

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From: Joshua Smith <joshua.smith@sierraclub.org>
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Thank you,

Joshua Smith
Senior Staff Attorney
Sierra Club Environmental Law Program
2101 Webster St., Suite 1300
Oakland, CA 94612
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(510)208-3140 (fax)
(503)484-7194 (cell)

I check e-mail infrequently. For urgent matters, please call.

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Message

From: Olszewski, Joshua [olszewski.joshua@epa.gov]
Sent: 10/23/2018 2:42:21 PM
To: Smith, Suzanne [Smith.Suzanne@epa.gov]
Subject: FW: OAR Comments on TX SO2 NPRM
Attachments: emission excerpt Vistra petition.pdf

Ex. 5 AC/DP

From: Fox, Tyler

Sent: Tuesday, October 23, 2018 9:22 AM

To: Mocka, Corey <mocka.corey@epa.gov>; Smith, Kristi <Smith.Kristi@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Casso, Ruben <Casso.Ruben@epa.gov>; Naess, Liz <Naess.Liz@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Thurman, James <Thurman.James@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Brachtl, Megan <Brachtl.Megan@epa.gov>

Cc: Wallace, Larry <Wallace.Larry@epa.gov>; Selbst, Elizabeth <selbst.elizabeth@epa.gov>; Imhoff, Robert <imhoff.robert@epa.gov>; Snyder, Erik <snyder.erik@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Miller, Michael <Miller.Michael@epa.gov>

Subject: RE: OAR Comments on TX SO2 NPRM

All,

Ex. 5 AC/DP

Ex. 5 AC/DP

Message

From: Olszewski, Joshua [olszewski.joshua@epa.gov]
Sent: 10/24/2018 10:03:53 PM
To: Smith, Suzanne [Smith.Suzanne@epa.gov]
Subject: Update on TX SO2 NPRM
Attachments: emission excerpt Vistra petition.pdf; TX Area Redesign Modeling - TSD Excerpts.docx

Ex. 5 AC/DP

From: Fox, Tyler

Sent: Tuesday, October 23, 2018 9:22 AM

To: Mocka, Corey <mocka.corey@epa.gov>; Smith, Kristi <Smith.Kristi@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Casso, Ruben <Casso.Ruben@epa.gov>; Naess, Liz <Naess.Liz@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Thurman, James <Thurman.James@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Brachtl, Megan <Brachtl.Megan@epa.gov>

Cc: Wallace, Larry <Wallace.Larry@epa.gov>; Selbst, Elizabeth <selbst.elizabeth@epa.gov>; Imhoff, Robert <imhoff.robert@epa.gov>; Snyder, Erik <snyder.erik@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Miller, Michael <Miller.Michael@epa.gov>

Subject: RE: OAR Comments on TX SO2 NPRM

All,

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Message

From: Greenglass, Nora [Greenglass.Nora@epa.gov]
Sent: 8/9/2018 8:15:03 PM
To: Watson, Lucinda [Watson.Lucinda@epa.gov]
CC: Marks, Matthew [Marks.Matthew@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Smith, Suzanne [Smith.Suzanne@epa.gov]
Subject: RE: Addressing the Petition for Reconsideration in the Texas RH FRN

Ex. 5 AC/DP

From: Watson, Lucinda
Sent: Thursday, August 09, 2018 9:54 AM
To: Greenglass, Nora <Greenglass.Nora@epa.gov>
Cc: Marks, Matthew <Marks.Matthew@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>
Subject: Re: Addressing the Petition for Reconsideration in the Texas RH FRN

Ex. 5 AC/DP

Sent from my iPhone

On Aug 9, 2018, at 8:41 AM, Greenglass, Nora <Greenglass.Nora@epa.gov> wrote:

Ex. 5 AC/DP

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Cc: Greenglass, Nora <Greenglass.Nora@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>
Subject: RE: Addressing the Petition for Reconsideration in the Texas RH FRN

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Matt

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Cc: Greenglass, Nora <Greenglass.Nora@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>

Subject: RE: Addressing the Petition for Reconsideration in the Texas RH FRN

Importance: High

Ex. 5 AC/DP

**Thank you,
Lucinda
214-333-2237**

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Sent: Wednesday, August 8, 2018 5:36 PM

To: Marks, Matthew <Marks.Matthew@epa.gov>

Cc: Watson, Lucinda <Watson.Lucinda@epa.gov>

Subject: RE: Addressing the Petition for Reconsideration in the Texas RH FRN

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Sent: Wednesday, August 08, 2018 2:53 PM

To: Olszewski, Joshua <olszewski.joshua@epa.gov>

Subject: RE: Addressing the Petition for Reconsideration in the Texas RH FRN

Ex. 5 AC/DP

From: Olszewski, Joshua

Sent: Wednesday, August 08, 2018 3:50 PM

To: Marks, Matthew <Marks.Matthew@epa.gov>

Subject: Addressing the Petition for Reconsideration in the Texas RH FRN

Ex. 5 AC/DP

Josh Olszewski

Multimedia Counseling

Office of Regional Counsel

EPA Region 6

(214) 665-2178

Message

From: Thrift, Mike [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0176CFAA431F411BAB9801A035378C2B-MTHRIFT]
Sent: 8/22/2019 11:14:57 PM
To: Hill, Leslie (ENRD) [Leslie.Hill@usdoj.gov]
Subject: FW: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan
Attachments: 2019.8.20.FINAL.Notice of Intent Texas SO2 NSIP Deadline.pdf

Leslie—

Ex. 5 AC/DP

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Tuesday, August 20, 2019 12:02 PM
To: Thrift, Mike <thrift.mike@epa.gov>; Smith, Kristi <Smith.Kristi@epa.gov>
Subject: FW: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

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From: Joshua Smith <joshua.smith@sierraclub.org>
Sent: Tuesday, August 20, 2019 12:28 PM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>; McQueen, Ken <McQueen.Ken@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>
Subject: Notice of Intent Under 42 U.S.C. § 7604(b)(2); Failure to Issue a Finding of Failure to Submit a Nonattainment State Implementation Plan

Dear Administrator Wheeler,

Please accept the attached copy of Sierra Club's notice, under 42 U.S.C. § 7604(b)(2), of intent to file suit against the Administrator of the U.S. Environmental Protection Agency for the “failure of the Administrator to perform an[] act or duty under this chapter which is not discretionary with the Administrator.” 42 U.S.C. § 7604(a)(2).

Specifically, the Administrator has violated 42 U.S.C. § 7410(k)(1)(B) by failing to issue a finding that Texas failed to submit a nonattainment state implementation plan (“SIP”) within 18 months of the effective date of EPA’s final nonattainment area designations under the 2010 Sulfur Dioxide (“SO2”) Primary National Ambient Air Quality Standard (“NAAQS”), as required under 42 U.S.C. §§ 7502, 7514-7514a.

As discussed in the attached notice, Sierra Club would prefer to resolve this matter without the need for litigation. Quickly and fairly resolving this matter would be a clear indication that EPA intends to respect the rule of law. Therefore, we look forward to EPA contacting the undersigned counsel to resolve this matter. If we do not hear from EPA in 60 days, we will assume that you are not interested in settling this matter, and we will file a complaint.

A hard copy to follow, via certified mail.

Thank you,

Joshua Smith
Senior Staff Attorney
Sierra Club Environmental Law Program
2101 Webster St., Suite 1300
Oakland, CA 94612
(415)977-5560
(510)208-3140 (fax)
(503)484-7194 (cell)

I check e-mail infrequently. For urgent matters, please call.

CONFIDENTIAL LEGAL COMMUNICATION/WORK PRODUCT

This e-mail may contain privileged and confidential attorney-client communications and/or confidential attorney work product. If you receive this e-mail inadvertently, please notify me and delete all versions from your system. Thank you.

Message

From: Bartley, Richard [Bartley.Richard@epa.gov]
Sent: 2/1/2019 9:47:58 PM
To: Donaldson, Guy [Donaldson.Guy@epa.gov]
Subject: Reconsideration of Texas SSM SIP Call
Attachments: AD Considerations 12_21_2018.docx

Hi Guy -

Ex. 5 AC/DP

Rick

From: Bartley, Richard
Sent: Friday, February 1, 2019 3:25 PM
To: Smith, Kristi; Donaldson, Guy; Brachtl, Megan; Smith, Suzanne
Cc: Shar, Alan
Subject: Re: Texas Air call

Hi Guy -

Ex. 5 AC/DP

Rick

From: Smith, Kristi
Sent: Friday, February 1, 2019 3:19:39 PM
To: Donaldson, Guy; Bartley, Richard; Brachtl, Megan; Smith, Suzanne
Cc: Shar, Alan
Subject: RE: Texas Air call

Guy –

Ex. 5 AC/DP

- Kristi

Kristi M. Smith * Assistant General Counsel for the NAAQS Implementation Group * Air & Radiation Law Office * US EPA, Office of General Counsel * smith.kristi@epa.gov * (202) 564-3068 *

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From: Donaldson, Guy

Sent: Friday, February 01, 2019 4:11 PM

To: Bartley, Richard <Bartley.Richard@epa.gov>; Bracht, Megan <Bracht.Megan@epa.gov>; Smith, Kristi <Smith.Kristi@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>

Cc: Shar, Alan <shar.alan@epa.gov>

Subject: FW: Texas Air call

Ex. 5 AC/DP

From: Stenger, Wren

Sent: Friday, February 01, 2019 2:58 PM

To: Donaldson, Guy <Donaldson.Guy@epa.gov>

Cc: Stenger, Wren <stenger.wren@epa.gov>; Price, Lisa <Price.Lisa@epa.gov>

Subject: Texas Air call

Ex. 5 AC/DP

Message

From: Donaldson, Guy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D2A0969773664CC3B6EB1208748F1A5D-DONALDSON, GUY]
Sent: 7/15/2019 4:03:24 PM
To: Miller, Michael [Miller.Michael@epa.gov]
Subject: Re: Most recent DRR SO2 data

Thx

Sent from my iPhone

On Jul 15, 2019, at 10:44 AM, Miller, Michael <Miller.Michael@epa.gov> wrote:

Ex. 5 AC/DP

From: Donaldson, Guy
Sent: Monday, July 15, 2019 10:27 AM
To: Miller, Michael <Miller.Michael@epa.gov>
Subject: FW: Most recent DRR SO2 data

H **Ex. 5 AC/DP**

From: Feldman, Michael
Sent: Wednesday, April 17, 2019 3:28 PM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>
Cc: Smith, Suzanne <Smith.Suzanne@epa.gov>; Jones, Bruce <Jones.Bruce@epa.gov>
Subject: FW: Most recent DRR SO2 data

FYI -

From: Smith, Kristi
Sent: Wednesday, April 17, 2019 2:32 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Thurman, James <Thurman.James@epa.gov>; Mocka, Corey <mocka.corey@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>
Cc: Feldman, Michael <Feldman.Michael@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Most recent DRR SO2 data

Ex. 5 AC/DP

Kristi M. Smith * Assistant General Counsel for the NAAQS Implementation Group * Air & Radiation Law Office * US EPA, Office of General Counsel * smith.kristi@epa.gov * (202) 564-3068 *

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